



1 ENVIRONMENTAL AND PUBLIC PROTECTION CABINET

2 DEPARTMENT OF LABOR

3 OFFICE OF WORKERS' CLAIMS

4 (New Administrative Regulation)

5 803 KAR 25:280. Certification of drug-free workplace.

6 RELATES TO: KRS 304.13-167

7 STATUTORY AUTHORITY: KRS 304.13-167

8 NECESSITY, FUNCTION AND CONFORMITY: KRS 304.13-167(6)

9 mandates the Executive Director of the Office of Workers' Claims to promulgate
10 administrative regulations regarding a drug-free workplace program for Kentucky
11 employers to implement. This administrative regulation establishes the
12 requirements for employers to apply and be certified by the Office of Workers'
13 Claims for implementing a drug-free workplace program.

14 Section 1. Definitions. (1) "Alcohol" means ethyl alcohol, hydrated oxide of
15 ethyl, or spirit of wine, produced from any source or process.

16 (2) "Consortium" means an entity, which may involve varied pools of
17 employers and their employees, established to provide cost-effective services to
18 employers to help the employers comply with drug-free workplace program
19 requirements and may provide employer education, supervisor training, and drug
20 and alcohol testing at a reduced cost to the employers who choose to participate.

1 (3) "Drug" means a controlled substance as defined in KRS 218A.010(6)

2 and as established in 902 KAR Chapter 55, including:

3 (a) Amphetamines;

4 (b) Cannabinoids/THC;

5 (c) Cocaine;

6 (d) Opiates;

7 (e) Phencyclidine (PCP);

8 (f) Benzodiazepines;

9 (g) Propoxyphene;

10 (h) Methaqualone;

11 (i) Methadone;

12 (j) Barbiturates;

13 (k) Synthetic narcotics;

14 (l) Illicit substances; and

15 (m) Volatile substances as defined in KRS 217.900(1).

16 (4) "Drug or alcohol rehabilitation program" means a service provider that
17 provides confidential, timely, and expert identification, assessment, treatment,
18 and resolution of employee drug or alcohol abuse.

19 (5) "Drug test" or "test" means a chemical, biological, or physical
20 instrumental analysis administered by a qualified laboratory, for the purpose of
21 determining the presence or absence of a drug or its metabolites or alcohol
22 pursuant to standards, procedures, and protocols established by the U.S.

1 Department of Health and Human Services' Substance Abuse and Mental Health
2 Services Administration (SAMHSA).

3 (6) "Employee" is defined in KRS 342.640.

4 (7) "Employee Assistance Program" means an established program
5 providing:

6 (a) Professional assessment of employee personal concerns;

7 (b) Confidential and timely services to identify employee alcohol or
8 substance abuse;

9 (c) Referrals of employees with alcohol or substance abuse for
10 appropriate diagnosis, treatment, and assistance; and

11 (d) Follow-up services for employees who participate in a drug or alcohol
12 rehabilitation program and are recommended for monitoring after returning to
13 work.

14 (8) "Employer" means a corporation, partnership, sole proprietorship, or
15 other business entity doing business in Kentucky which is required to comply with
16 the provisions of KRS Chapter 342 or voluntarily covers excluded employees
17 pursuant to KRS 342.660.

18 (9) "Executive director" is defined by KRS 342.0011(9).

19 (10) "Illicit substance" is defined by KRS 351.010(1)(m).

20 (11) "Medical review officer" or "MRO" means a licensed physician with
21 knowledge of substance abuse disorders, laboratory testing, chain of custody,
22 collection procedures, and the ability to verify positive, confirmed test results.
23 The MRO shall possess the necessary medical training to interpret and evaluate

1 a positive test result in relation to the person's medical history or any other
2 relevant biomedical information.

3 (12) "Office" is defined by KRS 342.0011(8).

4 (13) "Qualified laboratory" means a laboratory certified in accordance with
5 the National Laboratory Certification Program (NLCP) by the United States
6 Department of Health and Human Services' Substance Abuse and Mental Health
7 Services Administration (SAMHSA).

8 (14) "Reasonable suspicion testing" means drug or alcohol testing that
9 meets the requirements in Section 3 of this administrative regulation.

10 (15) "Serious physical injury" means an injury which has a reasonable
11 potential to cause death.

12 Section 2. Applicability. (1) Employer participation in the Drug-Free
13 Workplace Program shall be voluntary.

14 (2) All drug or alcohol testing shall be conducted:

15 (a) In accordance with applicable federal and state requirements; and

16 (b) As required by this administrative regulation for participants in the
17 Drug-Free Workplace Program.

18 Section 3. Requirements for a Drug-Free Workplace Program.

19 To obtain certification for a drug-free workplace program, an employer
20 shall comply with all of the following minimum requirements:

21 (1) The program shall include alcohol and substance abuse education and
22 awareness training for employees and supervisors which:

1 (a) Provides to all employees written materials explaining the employer's
2 policies and procedures with respect to the drug-free workplace program;

3 (b) Provides each employee at least one (1) hour of initial, and at least
4 thirty (30) minutes refresher each year thereafter, of alcohol and substance
5 abuse education and awareness training which shall include, at a minimum,
6 information concerning:

7 1. Alcohol and drug testing;

8 2. The effects of alcohol and drug use on an individual's health, work, and
9 personal life;

10 3. The disease of alcohol or drug addiction;

11 4. Signs and symptoms of an alcohol or drug problem;

12 5. The role of co-workers and supervisors in addressing alcohol or
13 substance abuse; and

14 6. Referrals to an employee assistance program.

15 (c) Provides all supervisory personnel, in addition to the training specified
16 in paragraph (b) of this subsection, with thirty (30) minutes each year of alcohol
17 and substance abuse education and awareness training.

18 1. The training shall include, at a minimum, information on:

19 a. Recognizing the signs of alcohol and substance abuse in the
20 workplace;

21 b. How to document signs of employee alcohol or substance abuse;

22 c. How to refer employees to an employee assistance program or other
23 alcohol and substance abuse treatment; and

1 d. Legal and practical aspects of reasonable suspicion testing for the
2 presence of drugs and alcohol.

3 (2) Within the program, reasonable suspicion testing shall be based on a
4 belief that an employee is using or has used drugs or alcohol in violation of the
5 employer's policy, drawn from specific objective and articulable facts and
6 reasonable inferences drawn from those facts in light of experience, training, or
7 education. The reasonable suspicion testing shall be based upon:

8 (a) While at work, direct observation of drug or alcohol use or of the
9 physical symptoms or manifestations of being under the influence of a drug or
10 alcohol;

11 (b) While at work, abnormal conduct, erratic behavior, or a significant
12 deterioration in work performance;

13 (c) A report of drug or alcohol use provided by a reliable and credible
14 source;

15 (d) Evidence that an individual has tampered with a drug or alcohol test
16 during employment with the current covered employer;

17 (e) Information that an employee has caused, contributed to, or been
18 involved in an accident while at work; or

19 (f) Evidence that an employee has used, possessed, sold, solicited, or
20 transferred illegal or illicit drugs or used alcohol while on the covered employer's
21 premises or while operating the covered employer's vehicle, machinery, or
22 equipment.

1 (3) The program shall include breath alcohol and urine drug testing to
2 which job applicants or employees shall be required to submit at the following
3 times:

4 (a) For urine drug testing:

5 1. After conditional offer of employment;

6 2. After being selected using a statistically valid, unannounced random
7 method;

8 3. Upon reasonable suspicion of prohibited drug use;

9 4. At follow-up testing at least once per quarter for one (1) year after the
10 employee's successful completion of an employee assistance program for drug-
11 related problems, or a drug rehabilitation program, or as recommended by the
12 person administering the drug rehabilitation program; and

13 5. Following an accident on the premises of the employer or in the course
14 of employment for the employer which requires off-site medical attention be given
15 to a person.

16 (b) For breath alcohol testing:

17 1. After conditional offer of employment;

18 2. Upon reasonable suspicion of prohibited alcohol use;

19 3. Following an accident on the premises of the employer or in the course
20 of employment for the employer which requires off-site medical attention be given
21 to a person; and

22 4. Follow-up testing at least once per quarter for one (1) year after the
23 employee's successful completion of an employee assistance program for

1 alcohol-related problems, or an alcohol rehabilitation program, or as
2 recommended by the person administering the alcohol rehabilitation program.

3 (4) The office may issue a certification for a program that provides for
4 alcohol and drug testing of other fluids or products of the human body capable of
5 revealing the presence of drugs or alcohol if the testing is as accurate as, and
6 equivalent to, breath alcohol and urine drug testing and complies with this section
7 of this administrative regulation;

8 (5) The program shall include the minimum testing protocol which shall
9 include:

10 (a) A breath alcohol concentration of .04 shall be the maximum
11 acceptance level of concentration.

12 (b) An eleven (11) panel urine test that shall include testing for the
13 following substances:

- 14 1. Amphetamines;
- 15 2. Cannabanoids/THC;
- 16 3. Cocaine;
- 17 4. Opiates;
- 18 5. Phencyclidine (PCP);
- 19 6. Benzodiazepines;
- 20 7. Propoxyphene;
- 21 8. Methaqualone;
- 22 9. Methadone;
- 23 10. Barbiturates; and

1 11. Synthetic narcotics.

2 (6) The program shall provide that the collection of samples and
3 administration of drug and alcohol tests shall follow all standards, procedures
4 and protocols set forth by the U.S. Department of Health and Human Services'
5 Substance Abuse and Mental Health Administration (SAMHSA);

6 (7) The program shall provide that the test results have been performed by
7 a qualified laboratory;

8 (8) The program shall include medical review of test results as follows:

9 (a)1. All test results shall be submitted for medical review by the medical
10 review officer (MRO), who shall consider the medical history of the employee or
11 applicant, as well as other relevant biomedical information.

12 2. If there is a positive test result, the employee or applicant shall be given
13 an opportunity to report to the MRO the use of any prescription or over-the-
14 counter medication.

15 (b)1. If the MRO determines that there is a legitimate medical explanation
16 for a positive test result, the MRO may certify that the test results do not indicate
17 the unlawful use of alcohol or a controlled substance.

18 2. If the MRO determines, after appropriate review, that there is not a
19 medical explanation for the positive test result other than the unauthorized use of
20 alcohol or a prohibited drug, the MRO shall refer the individual tested to an
21 employee assistance program or to a personnel or administrative officer for
22 further proceedings in accordance with the employer's drug-free workplace
23 program.

1 (c) Determinations concerning the use of alcohol or a controlled or illicit
2 substance shall comply with all procedures outlined in the U.S. Department of
3 Health and Human Services' Substance Abuse and Mental Health Services
4 Administration (SAMHSA) "Medical Review Officer Manual for Federal Agency
5 Workplace Drug Testing Programs";

6 (9) The program shall include an employee assistance program (EAP) for
7 its employees and supervisory personnel.

8 (a) The employer may establish the EAP as a part of its internal personnel
9 services or may contract with an entity that provides EAP services.

10 (b) Employer's participation in a consortium shall satisfy this requirement;
11 and

12 (10) The program shall include controlled-access maintenance at the
13 employer's place of business of records including the names and position titles of
14 all employees and supervisory personnel trained under the program, and the
15 names of all persons who presented alcohol and substance abuse training, for
16 review by the office.

17 Section 4. Confidentiality of records. (1) Records of drug or alcohol test
18 results, written or otherwise, received by the employer shall be confidential
19 communications and shall not be disclosed by the employer to any party unless a
20 written release of information is granted and signed by the employee; or

21 (2) The release is ordered by a court of competent jurisdiction.

22 Section 5. Application Requirements. Employers who desire a drug-free
23 workplace certification pursuant to KRS 304.13-167 shall submit to the office an

1 initial notarized application, and annually thereafter, in the form of an affidavit
2 executed by the owner or chief executive officer of the business establishing that
3 it provides a drug-free workplace by:

4 (1) Providing a copy of a statement to each employee and posted in a
5 prominent place at each worksite. The statement shall:

6 (a) Notify employees that the unlawful manufacture, distribution,
7 dispensation, possession, or use of alcohol or a controlled or illicit substance is
8 prohibited in the workplace;

9 (b) Identify methods that may be used by the employer to determine if
10 violations by an employee exists; and

11 (c) Specify the actions that will be taken against employees for violations
12 of the prohibition;

13 (2) Establishing an alcohol and substance abuse education and
14 awareness training program which complies with the minimum requirements of
15 Section 3 of this administrative regulation to inform employees and supervisory
16 personnel about:

17 (a) The dangers of drug abuse in the workplace;

18 (b) The role of co-workers and supervisors in addressing alcohol or drug
19 abuse;

20 (c) The employer's policy of maintaining a drug-free workplace;

21 (d) Available drug counseling, rehabilitation, and employee assistance
22 programs; and

23 (e) The penalties for violations of the drug-free workplace policy;

1 (3) Establishing a program that includes alcohol and drug testing
2 performed as established in Section 3 of this administrative regulation;;

3 (4) Providing an Employee Assistance Program which shall:

4 (a) Include:

5 1. Professional assessment of employee personal concerns;

6 2. Confidential and timely services to identify employee drug or alcohol
7 abuse;

8 3. Referrals of employees for appropriate diagnosis, treatment, and
9 assistance with regard to employee alcohol or substance abuse; and

10 4. Follow-up services for employees who participate in a drug or alcohol
11 rehabilitation program and are recommended for monitoring after returning to
12 work; and

13 (b) Provide services regardless of race, color, religion, national origin,
14 disability, sex, or age;

15 (5) Verifying that the frequency and duration of each employee and
16 supervisor training session meets the requirements of Section 3 of this
17 administrative regulation;

18 (6) Verifying that all employees have participated, or will participate during
19 the calendar year, in the required alcohol and substance abuse education and
20 awareness training sessions;

21 (7) Maintaining a drug-free workplace throughout its workers'
22 compensation insurance policy period; and

1 (8) Maintaining the drug-free workplace program in compliance with all
2 applicable federal and state laws and regulations.

3 Section 6(1). An employer's initial application shall be accompanied by
4 copies of the following documents:

5 (a) The employer's written drug-free workplace policy;

6 (b) Documents provided to employees regarding the drug-free workplace
7 program if different from the policy; and

8 (c) If the following are not included in the drug-free workplace policy:

9 1. A statement identifying each alcohol and drug test that will be
10 conducted;

11 2. A statement describing the employer's Employee Assistance Program;

12 3. A description of the alcohol and substance abuse education and
13 awareness training program for employees and supervisory personnel; and

14 4. A statement describing the confidentiality of the employer's drug-free
15 workplace program.

16 (2) Employers shall attach the documents listed in subsection (1) to a
17 renewal application only if a substantive change or amendment has been made
18 to the material filed with the initial application.

19 Section 7. Certification of Drug-Free Workplace Procedure.

20 (1)(a) If the office receives an incomplete application of certification of
21 drug-free workplace, the office shall notify an employer in writing of an
22 incomplete application and shall state the necessary information or documents to
23 provide a complete review of the application;

1 (b) The employer shall provide the additional information and documents
2 within fifteen (15) days of the notification of an incomplete application; and

3 (c) If the employer fails to provide the requested information, the
4 application shall be denied.

5 (2)(a) Within sixty (60) days of receipt of a complete application, the office
6 shall issue a written statement to the applicant approving or denying the
7 application; and

8 (b) If the application is denied, the written notification shall specifically
9 state the reasons for the denial.

10 (3) The notification of approval or denial shall be mailed by certified mail,
11 return receipt requested to the address listed on the application.

12 (4)(a) If an employer, who has been certified to have a drug-free
13 workplace program, discontinues or fails to maintain its program in compliance
14 with this administrative regulation, the office shall revoke the employer's
15 certification.

16 (b) The office shall submit written notification of the revocation which shall:

17 1. Include specific reasons for the revocation; and

18 2. Shall be mailed by certified mail, return receipt requested, to the
19 address listed on the employer's certification.

20 (5) Service by certified mail shall be complete:

21 (a) Upon delivery of the notification;

22 (b) Upon acceptance by any person eighteen (18) years or older at the
23 employer address;

- 1 (c) Upon refusal to accept by a person at the employer's address;
- 2 (d) Upon the U.S. Postal Service's inability to deliver the notification if
- 3 properly addressed; or
- 4 (e) Upon failure of the applicant to claim the notification prior to its return
- 5 to the office by the U.S. Postal Service.

- 6 (6) The return receipt or envelope shall be proof of acceptance, refusal,
- 7 inability to deliver, or failure to claim the envelope.

8 Section 8. Denial or revocation of certification.

- 9 (1) If an employer's application for certification is denied or revoked, an
- 10 employer may request, in writing, a hearing before the executive director on the
- 11 denial or revocation of certification;

- 12 (2) The request for a hearing shall be filed with the office within twenty
- 13 (20) days from the date of the notice of denial or revocation;

- 14 (3) Upon receipt of a request for a hearing, the executive director shall
- 15 issue a notice of hearing to be held no sooner than ten (10) days and no later
- 16 than thirty (30) days after the request unless agreed to by the parties;

- 17 (4) No later than thirty (30) days after the hearing is closed, the executive
- 18 director shall issue a written order concerning all matters addressed at the
- 19 hearing; and

- 20 (5) The executive director's final order may be appealed to the Franklin
- 21 Circuit court in accordance with KRS 13B.140.

22 Section 9. Incorporation by reference.

- 23 (1) The following material is incorporated by reference:

1 (a) Form DFW, "Applicant's Affidavit: Drug-Free Workplace Program"
2 (Sept. 2007 edition); and

3 (b) The "Medical Review Officer Manual for Federal Agency Workplace
4 Drug Testing Programs" issued by the Department of Health and Human
5 Services, November 1, 2004 edition (DHHS Publication No. (Administrative
6 Regulation) 88-1526).

7 (2) This material may be inspected, copied, or obtained, subject to applicable
8 copyright law, at the Office of Workers' Claims, 657 Chamberlin Avenue,
9 Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m.



William P. Emrick, Executive Director
Office of Workers' Claims

11/14/2007

Date

A public hearing on this administrative regulation shall be held on December 21, 2007, at 10:00 a.m. (EST) at the offices of the Office of Workers' Claims, Prevention Park, 657 Chamberlin Avenue, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until January 2, 2008. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Carla H. Montgomery, General Counsel
Office of Worker's Claims
Prevention Park
657 Chamberlin Avenue
Frankfort, Kentucky 40601
Telephone Number: (502) 564-5550, Ext. 4464
Fax Number: (502) 564-0681

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation #: 803 KAR 25:280

Contact person: Carla H. Montgomery

- (1) Provide a brief summary of:
 - (a) What this administrative regulation does: This administrative regulation sets forth the requirements for employers to obtain a certification of a drug-free workplace.
 - (b) The necessity of this administrative regulation: HB 296 was enacted in the 2007 regular legislative session. The language is in KRS Chapter 304 the insurance code, but it requires the Executive Director of the Office of Workers' Claims to issue a certification for businesses that have a drug-free workplace.
 - (c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation sets forth requirements for employers to obtain certification for a drug-free workplace and possibly obtain a discount on workers' compensation insurance premiums.
 - (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will provide a means to certify employees as having a drug-free workplace.
- (2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
 - (a) How the amendment will change this existing administrative regulation: N/A
 - (b) The necessity of the amendment to this administrative regulation: N/A
 - (c) How the amendment conforms to the content of the authorizing statutes: N/A
 - (d) How the amendment will assist in the effective administration of the statutes: N/A
- (3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All employers in the state may be certified to have a drug-free workplace. Insurance carriers are impacted in that they will be providing premium discounts for businesses that obtain a certification of a drug-free workplace. The Office of Insurance executive director governs approval of these discounts.
- (4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

- (a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Employers will have to meet the requirements in the administrative regulation to obtain certification for a drug-free workplace and file an affidavit with attached documents. This is a voluntary program.
- (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): This program is voluntary. No one has to apply for certification. For any employers who already have drug-free workplace programs in place, there would be minimal costs to obtain certification. If employers want to put in place a drug-free workplace, the costs would depend on the size of the employer, the number of employees, and the location of the employer.
- (c) As a result of compliance, what benefits will accrue to the entities identified in question (3): If an employer obtains certification, the employer could realize a 5% discount on their workers' compensation premium. Even more importantly, the U.S. Department of Health and Human Services finds that a good drug-free workplace can lead to decreases in absenteeism, accidents, downtime, turnovers, and workers' compensation costs and increases in productivity profits, customer satisfaction, health status, and employee morale.
- (5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
- (a) Initially: Our agency will have minimal costs for the forms but we will use current staff to implement the program and review the applications/affidavits and issue certifications.
- (b) On a continuing basis: Office of Workers' Claims should use its normal budget for implementing this administrative regulation.
- (6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Office of Workers' Claims will use its normal budget.
- (7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary.
- (8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No fees are established.
- (9) TIERING: Is tiering applied? (Explain why or why not) Tiering is not applied, because this administrative regulation applies to all employers equally.

CERTIFICATION OF DRUG-FREE WORKPLACE

SUMMARY OF INCORPORATED MATERIAL

FILED WITH LRC NOVEMBER 14, 2007

1. Application/Affidavit for Certification of Kentucky Drug-Free Workplace Program.

This form will be used by employers who wish to apply with the Office of Workers' Claims for certification of a drug-free workplace. The Office of Workers Claims will review this application and attached documents to determine whether to certify the employer.

**APPLICATION / AFFIDAVIT FOR CERTIFICATION OF
KENTUCKY DRUG-FREE WORKPLACE PROGRAM
PURSUANT TO 803 KAR 25:280**

1. Directions: Please fully complete the application and return it to the Kentucky Office of Workers' Claims (OWC) with all required attachments. The OWC will review the application to determine if all sections have been completed, required signatures have been given, and that the form has been notarized. If the criteria have been met, the OWC will return a copy of the application and a Kentucky Drug-Free Workplace Certificate to you. If an incomplete form has been sent to the OWC, it will be returned to you.

2. Annual Certification: An employer must be certified annually and must maintain its certified drug-free workplace program each year.

3. Documentation of Certified Drug-Free Workplace: For purposes of documenting your certified drug-free workplace program, it is necessary to maintain your policy and the records required by this application in a separate file for review by your insurer upon request. Files demonstrating your compliance and management of your program should also be maintained for review by your insurer.

4. Contact your Insurer: An employer should contact its workers' compensation insurer with questions about the availability and application of premium discounts if a Drug-Free Workplace Certificate is obtained from OWC. An employer should be prepared to provide the certification of a drug free workplace and a copy of its application and attached documents to its workers compensation insurer.

NOTE: The Kentucky Office of Workers' Claims is not responsible for the implementation of an employer's drug-free workplace policy. All employers are strongly advised to seek counsel from experts prior to implementing drug-free workplace policies.

**THIS APPLICATION / AFFIDAVIT MUST BE SUBMITTED TO
THE OFFICE OF WORKERS' CLAIMS ANNUALLY**

**Kentucky Office of Workers' Claims
Attn: Drug-Free Workplace Program
657 Chamberlin Avenue
Frankfort, Kentucky 40601
502.564.5550**

Part A - Type of Form (check one): New Application ☐ Renewal ☐

Part B - Applicant Information:

Drug-Free Workplace Coordinator: _____

Company Name: _____

FEIN: _____

Address: _____

City: _____ State: _____ Zip: _____

County: _____

Phone: _____

E-mail Address: _____

Number of Employees: _____ Type of business: _____

Workers' Compensation Insurance Carrier: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

To Be Completed By The Kentucky Office of Workers' Claims

Date of First Certification: _____

Or

Date of Re-Certification: _____

Approved By: _____

Certificate Sent By: _____ Date: _____

Part C -Checklist:

- ☐ A copy of a drug-free workplace statement is given to each employee and posted in a prominent place at the place of employment;
- ☐ The copy notifies employees that the unlawful manufacture, distribution, dispensation, possession, or use of alcohol or a controlled or illicit substance is prohibited in the workplace;
- ☐ The copy specifies the actions that will be taken against employees for violations of such prohibition;
- ☐ An alcohol and substance abuse education and awareness training program for all employees and supervisory personnel has been established;
- ☐ A program has been established that includes alcohol and drug testing;
- ☐ An Employee Assistance Program is provided which includes professional assessment of employee personal concerns; confidential and timely identification services with regard to employee alcohol or substance abuse; referrals to employees for appropriate diagnosis, treatment and assistance with regard to employee alcohol or substance abuse; and follow-up services for employees who participate in a drug or alcohol rehabilitation program;
- ☐ A drug-free workplace will be maintained throughout the workers' compensation insurance policy period;
- ☐ The drug-free workplace program is in compliance with all applicable federal and state laws and regulations;
- ☐ All of the above complies with the regulatory requirements of 803 KAR 25:280.

Part D - Copies of the following documents shall be attached to the initial application. The documents shall not be attached to renewal application unless a substantive change is made to the documents previously filed with the OWC:

- ☐ Drug-free workplace policy
- ☐ A statement identifying each alcohol and drug test that will be conducted
- ☐ A statement identifying the company's Employee Assistance Program
- ☐ A description of the alcohol and substance abuse education and awareness training program for employee and supervisory personnel
- ☐ A statement describing the confidentiality of the company's drug-free workplace program
- ☐ Documents provided to employees

Part E - Employer Certification & Affidavit:

As a duly authorized agent of the license applicant named above, I hereby certify:

(a) that the frequency and duration of each employee and supervisor training session meets the requirements of 803 KAR 25:280;

(b) that all employees and supervisory personnel have participated or will participate during the calendar year in the required alcohol and substance abuse education and awareness training; and

(c) that the information I have provided in this Application/Affidavit is true and correct to the best of my knowledge.

Signature: _____

Name in Print: _____

Title: _____

STATE OF _____)
COUNTY OF _____)

Subscribed and sworn to before me by _____
This _____ day of _____, 20____.

Notary Public

My Commission expires: _____